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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA

Case No. 3:12-cr-0069-SI

v.

**GOVERNMENT'S SENTENCING
MEMORANDUM**

HERSHELL O'BRIEN CLARK,

Defendant.

Sentencing Hearing:
May 7, 2013, at 10 a.m.

The United States of America, by and through S. Amanda Marshall, United States Attorney for the District of Oregon, and Stacie F. Beckerman, Assistant United States Attorney, hereby respectfully submits this sentencing memorandum for the Court's consideration.

The government respectfully recommends that the Court sentence defendant Hershell O'Brien Clark to 24 months' imprisonment, to be followed by three years of supervised release.

I. BACKGROUND

In February 2012, co-defendant Depri Marquis Spenser trafficked two 15-year-old girls from Tacoma to Seattle to Portland, for the purpose of selling the young girls' bodies for his own personal profit. Spenser had been trafficking girls in Seattle and Tacoma for at least a few years prior to this Portland trip. This Court has already sentenced Spenser to ten years' imprisonment.

Spenser did not have a valid driver's license, and so he needed someone to drive him and the victims to Portland. He recruited Hershell Clark, a young man he knew from playing basketball together. Clark agreed to drive Spenser and the victims to and around Portland for the weekend, for a flat fee he was never paid. Although Clark was aware of why the group had traveled to Portland, he was not the trafficker of these girls. He had no prior experience in trafficking before he met Depri Spenser, he did not profit from these victims' prostitution, and he did not engage in any sexual activity with the victims. He was merely the driver.

On February 28, 2013, Clark pleaded guilty to one count of Interstate Transportation in Aid of a Racketeering Enterprise (Prostitution), pursuant to a plea agreement.

II. GUIDELINES CALCULATION

The government has stipulated to the guidelines calculation set forth in the plea agreement.

III. SENTENCING RECOMMENDATION

Consistent with the terms of the plea agreement, the government respectfully recommends that the Court sentence defendant to 24 months' imprisonment. The government further recommends that the Court impose a supervised release term of three years upon defendant's release from imprisonment, subject to the conditions recommended by the Probation Office.

IV. CONCLUSION

The 24-month sentence of imprisonment and three-year supervised release term recommended by the government appropriately reflect defendant's relatively minor role in these offenses, provide just punishment for his role, promote respect for the law, and should deter defendant and others from participating in trafficking activity – even as merely a driver – in the future. 18 U.S.C. §§ 3553(a)(2)(A) and 3553(a)(2)(B).

Respectfully submitted this 1st day of May 2013.

S. AMANDA MARSHALL
United States Attorney
District of Oregon

/s/ *Stacie F. Beckerman*

STACIE F. BECKERMAN
Assistant United States Attorney